

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

Modifications to Market-Dominant Service
Performance Measurement Plan

Docket No. PI2022-3

REPLY COMMENTS OF THE NEWS MEDIA ALLIANCE

(June 3, 2022)

The News Media Alliance (“NMA”) respectfully submits this reply to the comments filed on the Commission’s Notice and Order in this proceeding.¹ NMA, formed from the merger of seven associations serving the newspaper industry, represents nearly 2,000 diverse press organizations in the United States—from the largest news groups and international outlets to print and digital newspapers in every state and congressional district—in short, all news media content creators.

NMA joins those commenters that expressed concern that the Postal Service’s proposed change to the Service Performance Measurement Plan² affecting the Critical Entry Times (“CETs”) for Periodicals constitutes a change in the nature of postal services requiring a request for an advisory opinion pursuant

¹ *Notice and Order Initiating Proceeding To Consider Modifications To Market Dominant Service Performance Measurement Systems*, Order No. 6159 (April 22, 2022).

² *United States Postal Service Notice of Filing Changes To Service Performance Measurement Plan Document*. at 1 (April 22, 2022).

to 39 U.S.C. §3661.³ NMA will review the Postal Service's responses to Commission Order No. 6178 in this docket which asks the Service certain questions relevant to this issue. Regardless of the disposition of that issue, NMA shares the concerns of the National Newspaper Association and other commenters that the Postal Service's plan to condense five separate CETs for Periodicals to one, at 8 a.m. will have a significant harmful effect on the actual service received by publishers.⁴

In particular, the condensing of CETs could present serious problems to any publisher that currently meets a CET later than 8 a.m. – as do many NMA members publishing in metropolitan or suburban areas. Such publishers often enter mailings at Processing and Delivery Centers rather than delivery offices, where the current CETs for those mailings range from 11 a.m. to 2 p.m. If by moving those CETs to 8 a.m. means that their mail will suffer a day's delay in processing and delivery, those publishers would face a choice between two unsatisfactory options. One option would be to change their publishing schedules (and perhaps their staffing schedules) by moving them up several hours to meet the earlier time, which in the case of local news means earlier deadlines and less timely late-breaking coverage. The other would be to suffer a day's delay in processing and, therefore, ultimate delivery, a substantial concern for time-sensitive publications.

³ E.g., *Comments of MPA – The Association of Magazine Media*, at 1 (May 18, 2022); accord *Comments of the Association for Postal Commerce*, at 2 (May 18, 2022).

⁴ *Comments of National Newspaper Association, Inc.*, at 2 (May 19, 2022).

NMA notes that Chairman's Information Request No. 1 (May 25, 2022) has asked the Postal Service a line of questions regarding how this change will affect the timeliness of service. NMA looks forward to the Postal Service's response, which is due today as well.

Finally, the change in CETs may result in a misleading improvement in the Postal Service's measured performance. This would occur because the Service would be giving itself, in effect, an additional day to process the publications. if the Postal Service still intends to process mail entered after 8 a.m. *on that day*, the effect of the proposed change in the service performance measurement plan could improve the Postal Service's *measured* performance while not improving the *actual* service provided to those publications. And if the Postal Service does *not* intend to process *until the next day* mail entered between 8 a.m. and 2 p.m. under the new CETs, as previous commenters have feared, the, the mailer will experience worse *actual* service even if the "measured" performance improves due to the additional day that the Postal Service has given itself.

The Commission recognized years ago that "Successfully generating accurate start-the-clock times is essential to the development of a credible performance measurement system." *Service Performance Measurement Systems for Market Dominant Products*, Docket No. PI2008-1, Order No. 140, at 17 (Nov. 25, 2008). And in Order No. 465, the Commission cautioned that CETs should not be manipulated to influence the performance measurement system. *Periodic Reporting of Service Performance Measurements and Customer*

Satisfaction, Docket No. RM2009-11, at 49 (May 25, 2010). These concerns remain equally valid today.

In contrast, the Postal Service's stated justification for changing the Periodicals CET is expressed only in very general terms. While a single uniform CET theoretically could offer the Service some efficiencies, the National Association of Presort Mailers correctly noted that multiple CETs in other classes of mail are not problematic.⁵ Nor does the Postal Service make any effort to quantify the alleged efficiencies. And it certainly expresses no awareness of the potentially quite significant effect on publishers.

The Commission should not bless the Postal Service's proposed change to Periodicals CET times without a careful review of the effect of the change on service quality.

Respectfully submitted,

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⁵ *Comments of the National Association of Presort Mailers*, at 3-4 (May 18, 2022)